

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

DOWLING COLLEGE,

Debtor.
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Case No. 8-16-75545-reg

Chapter 11

Judge Robert E. Grossman

**KARL SILVERBERG'S DECLARATION IN
OPPOSITION ON CREDITOR POWERHOUSE PAVING'S BEHALF**

I, Karl Silverberg, Esq., pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct:

1. I am attorney for creditor Powerhouse Maintenance, Inc. dba Powerhouse Paving ("Powerhouse Paving"). I have first-hand knowledge of the information stated herein.
2. I submit this affidavit in response to debtor Dowling College's motions Docket ## 13 & 14 to sell real property free of liens.
3. Powerhouse Paving informs the court that Powerhouse Paving holds a judgment against Dowling College. **Exhibit A** is a true copy of the judgment.
4. Powerhouse Paving seeks adequate protection for its judgment by protecting the sale proceeds from any sale for Powerhouse Paving's benefit. 11 USCS § 363(e) provides for this protection and states: "Notwithstanding any other provision of this section, at any time, on request of an entity that has an interest in property used, sold, or leased, or proposed to be used, sold, or leased, by the trustee, the court, with or without a hearing, shall prohibit or condition such use, sale, or lease as is necessary to provide adequate

protection of such interest.” See also *In re Bygaph, Inc.*, 56 B.R. 596, 607, (Bankr. S.D.N.Y. 1986) (“The conditions of § 363(f)(3) thus being satisfied, the collateral may be sold with the lien attaching to the proceeds pending further order of this Court. . . . But § 363(e) of the Bankruptcy Code provides that the court shall condition the sale of property by the trustee to provide adequate protection for an interest which an entity holds in the property.”).

5. As such, Powerhouse Paving requests adequate protection for its judgment.

Dated: September 29, 2016
Central Islip, NY

_____/s/_____
Karl Silverberg